

REMARKS

Applicant thanks the Examiner for the courtesies extended during the telephone interview with Jacob T. Aikin on August 6, 2008. The Restriction requirement of claim 3 was discussed insofar as that all of the ingredients listed are triterpene sapopins of ginseng which are increased together by lactic acid fermentation.

Election/Restriction

In the present application, claims 1-12 are pending. Claims 1-12 are subject to a restriction and/or election requirement.

As Applicant understands the requirement of the Office Action, the available species are:

Claim3: Compound K(20-O- β -D-glucopyranocyl-20(S)-protopanaxadiol), ginsenoside Rh1 and ginsenoside Rh2, and Δ^{20} -ginsenoside Rh2.

Claims 5, 8: bifidobacterium K-103, bifidobacterium K-506, bifidobacterium cholerium KK-1, bifidobacterium minimum KK-2, bifidobacterium H-1 and bifidobacterium KK-II.

In response to the Election/Restriction requirement of claim 3, Applicant hereby elects, without traverse, the species Compound K(20-O- β -D-glucopyranocyl-20(S)-protopanaxadiol), ginsenoside Rh1 and ginsenoside Rh2, and Δ^{20} -ginsenoside Rh2.

In response to the Election/Restriction requirement of claims 5 and 8, Applicant hereby elects, without traverse, the species bifidobacterium cholerium KK-1.

Pursuant to 37 C.F.R. 1.136(a)(3), applicant(s) hereby request and authorize the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 C.F.R. 1.16 and 1.17, to Deposit Account No. 02-2666.

Respectfully submitted,

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